

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION**

HENRY S. HILL, III,

Plaintiff,

V.

MERCK & CO., INC., R/D CLINICAL  
RESEARCH, INC., and HARVEY  
RESNICK, M.D.

Defendants.

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CIVIL ACTION NO. G-05-601

## ORDER STAYING LITIGATION AND ADMINISTRATIVELY CLOSING CASE

Plaintiff Henry S. Hill, III (“Plaintiff”) brings this action seeking damages for injuries allegedly suffered as a result of his use of the drug Vioxx. Defendant Merck & Co., Inc. (“Merck”) moves this Court to stay all proceedings in this action pending its transfer to *In re Vioxx Products Liability Litigation*, MDL No. 1657, the multidistrict litigation proceeding that has been established in the Eastern District of Louisiana to coordinate all federal products liability actions involving the drug Vioxx pursuant to 28 U.S.C. § 1407. Plaintiff does not oppose this Motion.


Generally, the decision to stay proceedings is discretionary, and that decision is guided by common sense policies of justice and judicial efficiency. Staying an action such as this pending transfer is proper if the issues presented by the lawsuit are common to or are likely to arise in other cases that have been or will be transferred to an MDL transferee court. *See In re Ivy*, 901 F.2d 7, 9 (2d Cir. 1990). The factual inquiries and issues presented in this lawsuit are common to and likely to arise in other cases involving Vioxx that have already been transferred to the MDL court. It is

clearly in the interest of judicial economy to stay this case, and Merck would most likely be prejudiced absent a stay. Furthermore, Plaintiff does not oppose such a stay, and makes no claims that it would be prejudiced by such action.

For the reasons articulated above, the Court hereby **ORDERS** that this action be **STAYED** and **ADMINISTRATIVELY CLOSED** until it is either transferred to the United States District Court for the Eastern District of Louisiana as part of *In re Vioxx Products Liability Litigation*, MDL No. 1657, or until the Judicial Panel on Multi-District Litigation declines to transfer this action.

**IT IS SO ORDERED.**

**DONE** this 9th day of December, 2005, at Galveston, Texas.

  
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Samuel B. Kent  
United States District Judge